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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,603	03/17/2004	Jorg Sudau	4452-600	4965
27799	7590	03/21/2006	EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			BONCK, RODNEY H	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/802,603

Applicant(s)

SUDAU, JORG

Examiner

Rodney H. Bonck

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

In response to applicant's phone call of March 16, 2006, the following action is issued vacating the previous final rejection mailed March 6, 2006. The finality of the previous action was improper. Therefore, the action is repeated but is a non-final action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Canfield('526). Canfield discloses a clutch arrangement comprising a housing 11 that contains a fluid and can rotate about an axis, a power takeoff element 16 that is coaxial with the housing and can rotate about the axis, at least two first friction elements 13,14 connected to the housing, and at least two second friction elements 30 that alternate with the first friction elements. The second friction element comprising a friction lining carrier 40,50 having a plurality of circumferentially spaced carrier segments (see Fig. 3). Each carrier segment carries a pair of axially oppositely facing friction lining segments 41,51. The carrier segments, at slots 60, and the friction linings, at their circumferential edges, inherently form fluid transport surfaces that will cause fluid to circulate around

parts of the friction elements and wholly within the housing. The friction lining carrier comprises a ring-like body section that engages power takeoff element 16 via teeth 31. The carrier segments extend radially outward from the ring-like body section. The first friction elements 13,14 are in the form of metal plates having no friction linings. The outer contour of each friction lining segment conforms essentially to the outer contour of its respective carrier segment (see Fig. 3). The carrier segment consists of a metal plate 40,50.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 12-16 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Canfield('526) in view of Schjolin et al.('189). Canfield discloses a clutch arrangement comprising a housing 11 that contains a fluid and can rotate about an axis, a power takeoff element 16 that is coaxial with the housing and can rotate about the axis, at least two first friction elements 13,14 connected to the housing, and at least two second friction elements 30 that alternate with the first friction elements. The second friction element comprising a friction lining carrier 40,50 having a plurality of circumferentially spaced carrier segments (see Fig. 3). Each carrier segment carries a pair of axially oppositely facing friction lining segments 41,51. While it is submitted, as

set forth above, that the carrier segments, at slots 60, and the friction linings, at their circumferential edges, inherently form fluid transport surfaces that will cause fluid to circulate around parts of the friction elements and wholly within the housing, Canfield does not specifically state that the surfaces cause circulation of fluid, mentioning only circulation caused by grooves 61. Schjolin et al., however, shows a similar arrangement with carrier segments having friction lining segments 50 mounted thereon. The Schjolin et al. disclosure states that, in addition to circulation caused by the grooves 51, the slots 48 and the space between the ends of the facings conduct the fluid outwardly. The same would be the case in Canfield, *i.e.*, the slots 60 between carrier segments and the edges of the friction linings would form fluid transport surfaces. The friction lining carrier of Canfield comprises a ring-like body section that engages power takeoff element 16 via teeth 31. The carrier segments extend radially outward from the ring-like body section. The first friction elements 13,14 are in the form of metal plates having no friction linings. The outer contour of each friction lining segment conforms essentially to the outer contour of its respective carrier segment (see Fig. 3). The carrier segment consists of a metal plate 40,50.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canfield('526) in view of Schjolin et al.('189) as applied to claim 9 above, and further in view of Sasse(WO02/070913 A1). In Canfield, the first friction elements 13,14 are connected to the housing rather than the power takeoff, and the friction lining carrier comprises a ring-like body section engaging the power takeoff, rather than the housing.

Sasse shows alternative arrangements wherein the friction lining carrier 22 is on the housing with inwardly extending carrier segments or wherein the friction lining carrier 24 is on the power takeoff with outwardly extending carrier segments (see Fig. 1 of Sasse). These alternative arrangements are recognized equivalents in this art. Thus reversing which of the housing or power takeoff in Canfield that carries the friction lining would not be a patentable modification of Canfield.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Becker('864) is cited as an additional showing of reversing which of the inner or outer disks carries the friction linings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Rodney H. Bonck  
Primary Examiner  
Art Unit 3681

rhb  
March 17, 2006